

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OKLAHOMA
EASTERN DISTRICT
(SEQUOYAH COUNTY)**

**On their own behalf and on behalf of all
Others similarly situated,**

Cody Hyde Sequoyah County Police Officer Badge #912,

Clint Craft Sequoyah County Police Officer Badge #487,

Daran Koch Sequoyah County Police Officer Badge #919,

Jack Thorp the District County Attorney of Sequoyah, and

Jordan Lee Pace the Assistant District Attorney

Plaintiffs,

) **Case No. CM-2019-600**

Vs.

CHARLES EDWARD MARTIN III

Defendant,

)

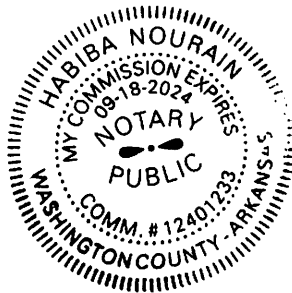
)

Notice of Defendant's Complaint

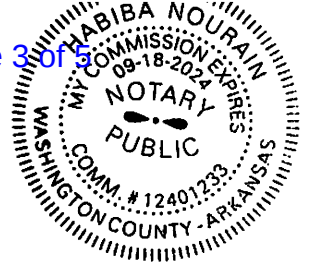
On June 28, 2019 at approximately 12:20 am Foreign agent Cody Hyde #912 stopped CHARLES MARTIN III. When officer Hyde approached Mr. Martin's passenger side window, Martin had his phone out recording the incident because he was concerned of his safety. I asked him was he on his oath to verify he is a foreign agent. He immediately became irate and yelled roll down the window. I could hear him just fine and I asked him again "are you on your oath?" he yelled rolled down your window so I cracked it for him and said I can hear you, are you on your oath? He asked for my driver's license and I asked what the reason for the stop is. He said I was doing 74 in a 70-speed zone. My cruise control was set at 68, I passed two officers on the side of the road prior to passing his vehicle that had huge construction lights that was blinding traffic as we passed. There was an eighteen-wheeler that slowed to 58 that I went around to realize that he was slowing down due to the construction lights that was on trooper Hyde's vehicle.

I asked officer Hyde again, what is the reason for the stop and he stated that my plates aren't readable from his vehicle. I informed the officer that they are perfectly clear and visibly placed. I asked him again, are you under oath? And he stated, "so you are not going to give me your license?" I asked are you on your oath and he

walked off and came back with foreign agent Clint Craft #487 and Daran Koch #919. Now with the other two officers on my driver side of the window, he made another request for my license and stated that if I declined that he would arrest me for obstructing a police officer. I asked him again, "are you on your oath?" He instructed officer Craft to break my window to gain access. I told him "no, no, no" and opened my door and placed my hands in the air. They all rushed me and threw me to the ground, put their knees on my back and foot on my neck and drug me to their vehicle while yelling stop resisting when I was not resisting. The excessive force that was used caused an abrasion on my face and chest. When I was placed in the vehicle, officer Hyde accused me of stealing the vehicle and took my phone as evidence and stated that I was recording a crime.



Charles Martin
Charles Martin
08-08-2019



CERTIFICATE OF SERVICE

This is to certify that the foregoing NOTICE OF REMOVAL, with exhibits, was filed in person on the 8th day of August 2019.

NOTARY FORM

STATE OF ARKANSAS)

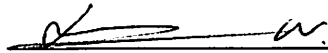
COUNTY OF WASHINGTON)

I, Habiba Nourain, a Notary Public, do hereby certify that on this 8th day of August,

2019, personally appeared before me CHARLES EDWARD MARTIN III, known to me to be the person whose

name is subscribed to the foregoing instrument, and swore and acknowledged to me that he executed the

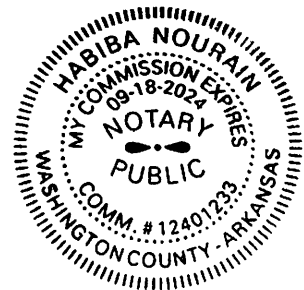
same for the purpose and in the capacity therein expressed, and that the statements contained therein are true and correct.



Notary Public, State of Arkansas

Name, Typed or Printed: Habiba Nourain, Notary

My Commission Expires: 9/18/24



CM-2019-600

IN THE DISTRICT COURT IN AND FOR SEQUOYAH COUNTY STATE OF OKLAHOMA

Probable Cause Affidavit for Warrantless Arrest

Comes now the undersigned Affiant, and states upon Oath or Affirmation that the following information and facts are correct to the best of the Affiant's knowledge and belief:

Name of Person Arrested: CHARLES EDWARD MARTIN III Social Security Number: UNKNOWN

Date of Birth: 06 / 01 / 87 Date of Arrest (Detention): 06 / 28 / 19 Time of Arrest: 12:20 A.M.

State Specific Facts for Probable Cause for the Arrest and Detention:

SEE ATTACHED PAGE

[Use reverse side or attach another page if necessary]

Anticipated Charge(s): OBSTRUCTING AN OFFICER, POSSESSION OF MARIJUANA, POSSESSION OF DRUG PARAPHERNALIA, RESISTING ARREST, FAIL TO COMPLY WITH COMPULSORY INSURANCE LAW, DRIVING UNDER SUSPENSION

AFCF- (No) / Yes times 1 2 or _____

Subscribed and sworn to before me the undersigned, this 28 Day of JULY

My Commission Expires: 8/25/19

Notary Public / Judge

Probable Cause Determination

I, _____, Judge of the District Court reviewed this Probable Cause Affidavit on the _____ day of _____, 20019 at _____ A.M. / P.M.

This Affidavit contains sufficient facts showing probable cause to detain the Arrestee to await further proceedings. The Sheriff for Sequoyah or Chief of Police of the arresting agency is hereby commanded to receive him/her into their custody and detain until he/she is legally discharged.

The Court sets [] an Appearance Bond in the amount of \$ _____.00 or [] as per Sequoyah County Bond Schedule.

The Court denies Bond at this time.

This Affidavit contains insufficient facts to show there exists probable cause to detain the Arrestee. **The Arrestee is Ordered Released From Custody Immediately.**

Judge of the District Court